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REMARKS

Claims 1, 3 to 13, 15 to 37, 39, 40 and 43 to 46 remain pending in the application.

In the outstanding Office Action, the Examiner had rejected Claims 1, 4 to 6, 8, 10, 11, 13, 16 to 18 and 20 under 35 U.S.C. 102(b) as being anticipated by Uchida (U.S. patent No. 5,313,453). The Examiner also rejected Claims 3, 5, 7, 9, 12, 15, 17, 19, 21, 22 to 37, 39, 40 and 43 to 46 under 35 U.S.C. 103(a) as being unpatentable over the same Uchida reference. Applicant respectfully traverses the Examiner's respective objections under 35 U.S.C. 102(b) and 103(a) for the reasons which follow.

Each of the pending independent Claims 1, 6, 8, 10, 13, 18, 20, 22, 33, 44 and 45 contain a common recited feature which is not at all taught or even suggested by the Uchida reference. Namely, the methods and apparatus of the present invention as recited in the foregoing Claims envisage that a plurality of traffic streams for testing a multi-port communication device will be replicated from a reference digital traffic pattern. A limitation along these lines is found in each of independent Claims 1, 6, 10, 13, 18, 22, 33, 44 and 45. In each of independent Claims 8 and 20, this same distinguishing concept is recited as the generation of a plurality of digital traffic streams from a given digital traffic stream, where the plurality of digital traffic streams have identical data content to the given digital traffic stream.

In *Merriam Webster's Collegiate Dictionary*, 10th ed. (Springfield: Merriam-Webster, 1993), the word "replica" is defined as "an exact reproduction . . ." or "a copy exact in all details". In the same source, the word "replicate" is defined as to "produce a replica of itself" or

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as having a meaning akin to the words "duplicate" and "repeat". In another source, namely *Webster's Unabridged Dictionary of the English Language*, 2nd ed. (New York: Simon & Schuster, 1983), definitions of the word "replica" are given as a "repetition" or "a reproduction or copy of a work of art" or "any very close reproduction or copy; facsimile". From the latter reference, a definition for "replicate" is given as "to repeat". Lastly, the *IBM Dictionary of Computing*, 10th ed. (New York: McGraw-Hill, 1994) defines the word "replicate" as "to copy all or a specified portion of data".

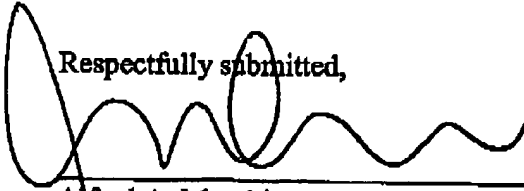
There is no concept or technique of replication of any sort defined in the Uchida reference. To the contrary, all of the various descriptions of test cell generation in the Uchida reference point to multiple and independent test cells being generated or inserted within a traffic stream or network configuration to be tested. The Examiner's specific attention is drawn to Column 7 at lines 31 to 36, Columns 8 and 9 beginning at line 65 and ending at line 6, Column 9 at lines 11 to 15 and at lines 60 to 68, Column 11 at lines 10 to 17, Columns 11 and 12 beginning at line 67 and ending at line 5, Column 15 at lines 62 to 66, Column 18 at lines 23 to 30, Columns 24 and 25 beginning at line 67 and ending at line 3, Column 28 at lines 42 to 48, and Column 31 at lines 64 to 68. All of these various citations in the Uchida specification clearly teach away from the recited features of the pending claims of the present application, in that Uchida deploys multiple test cell generators or test cell inserters, none of which replicates a reference traffic stream or generates a plurality of digital traffic streams having a data content identical to that of a reference traffic stream. Given this, the Examiner is respectfully invited to reconsider and withdraw her objection to the pending Claims of this application.

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In view of the present amendment, Applicant earnestly solicits that this application be permitted to proceed to allowance.

August 22, 2003
Date

Respectfully submitted,


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